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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,634	08/23/2000	Kanu G. Shah	60680-1407	1464
7590 04/01/2004				
Michael B. Stewart, Esq Rader, Fishman & Grauer PLLC 39533 Woodward Ave, Ste. 140 Bloomfield Hills, MI 48304			EXAMINER	
			BISSETT, MELANIE D	
			ART UNIT	PAPER NUMBER
			1711	

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/644,634

Applicant(s)

SHAH ET AL.

Examiner

Melanie D. Bissett

Art Unit

1711

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.


Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 2. NOTE: Claims 46 and 53 have been amended to include a non-metallic substrate as a limitation, where the previous claims were drawn to a coating "for coating a non-metallic substrate". Thus, the substrate was not part of the structure in the previous claims. The use for coating a substrate was treated as an intended use. The recitation of a non-metallic substrate adds limitations into the claims that require further consideration by the examiner.

Continuation of 5. does NOT place the application in condition for allowance because: the examiner would maintain the rejections of unamended claims. The applicant argues that the Ying reference is not analogous art to the claimed invention. First, it is noted that the Ying reference teaches coated separators useful in fuel cell applications and thus is analogous to the claimed invention. Second, it is more importantly noted that the Ying reference is analogous to the primary references combined with the Ying reference. The references teach separators useful in fuel cell applications. Because they are of the same field of endeavour, it is the examiner's position that the references are indeed analogous. Regarding the applicant's arguments that the Ying reference teaches porous coatings, and one would not look to substitute porous coatings for coatings specifically chosen to be non-porous, it is noted that the applicant has not pointed to support from the primary references showing that non-porous coatings are required. Also, a porous coating would not destroy the non-porous nature of the plates. Regarding the applicant's arguments that Ying does not teach the application of protective coatings to "plates", it is noted that Ying teaches applying protective coatings to separators used in fuel cell applications. As stated before, it is the examiner's position that the combined references are analogous. For these reasons, it is the examiner's position that the primary references are combinable with Ying. Regarding the applicant's arguments that a limitation "for coating a non-metallic substrate" defines over the prior art because one skilled in the art would not look to metal coatings for a coating for non-metallic substrates, it is the examiner's position that the limitation "for coating a non-metallic substrate" is an intended use only. If the coating of the reference is capable of coating any non-metallic substrate, to any extent, the coating can be considered a coating "for coating a non-metallic substrate". Thus, although the references teach metal coatings, the coatings still read on coatings "for coating a non-metallic substrate". The proposed amendment has not been entered because the language "that is applied on a non-metallic substrate" does limit the claim to contain a non-metallic substrate. This limitation has not been considered by the examiner thus far and would require further consideration.



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